

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA, INC., et al.,

Defendants.

No. C10-1823-JLR

**STIPULATION AND (PROPOSED)
ORDER REGARDING (1)
AMENDMENT OF MOTOROLA'S
INFRINGEMENT CONTENTIONS
AND (2) MICROSOFT'S ANSWERS
TO COUNTERCLAIMS**

Noted: Monday, March 5, 2012

MOTOROLA MOBILITY, INC., et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

STIPULATION AND (PROPOSED) ORDER RE
(1) MOTOROLA'S AMENDED INFRINGEMENT
CONTENTIONS AND (2) MICROSOFT'S
ANSWERS TO COUNTERCLAIMS

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STIPULATION

Microsoft Corporation (“Microsoft”) and Motorola Solutions, Inc. (formerly, Motorola, Inc.), Motorola Mobility, Inc., and General Instrument Corporation (collectively, “Motorola”) stipulate as follows:

I. Motorola’s Amendment of Infringement Contentions and Microsoft’s Amendment of Non-Infringement Contentions

On September 2, 2011, Motorola served Microsoft with its original Asserted Claims and Infringement Contentions (“Infringement Contentions”) pursuant to the Court’s Standing Order for Patent Cases and the Court’s August 5, 2011 Minute Order Setting Trial Dates and Related Dates. Microsoft’s nonpublic code was produced after the date to provide the Infringement Contentions. After reviewing the code, Motorola on December 23, 2011, served Microsoft with Motorola’s Second Amended Disclosure of Asserted Claims and Infringement Contentions. Based on these circumstance and subject to Court approval, the parties agree that Motorola may formally amend its Infringement Contentions and serve Microsoft with such Amended Infringement Contentions by no later than March 9, 2012.

Subject to Court approval, the parties further agree that Microsoft shall serve Motorola with its Amended Non-Infringement Contentions by no later than May 7, 2012.

II. Microsoft’s Answer to Motorola’s Counterclaims

On June 15, 2011, Motorola filed its Answer, Defenses, and Counterclaims to Microsoft Corporation’s Counterclaims Originally Filed in 3:10-CV-699 (W.D.Wis.) (Dkt. 67)¹ and its Answer, Defenses, and Counterclaims to Plaintiff’s Amended and Supplemental Complaint (Dkt. 68).²

¹ Upon transfer to the Western District of Washington, this action was assigned Case No. C11-00343-JLR before being consolidated with Case No. C10-1823-JLR.

² Filed in Case No. C10-1823-JLR.

On July 5, 2011, Microsoft filed its Motion to Dismiss Motorola's "RAND"-Based Counterclaims (Dkt. 71). On August 18, 2011, Microsoft filed its first Motion for Partial Summary Judgment, raising issues potentially dispositive of Motorola's RAND-based counterclaims (Dkt. 77).

By Order dated February 6, 2012, the Court granted in part, and denied in part, Microsoft's Motion to Dismiss (Dkt. 175). By Order dated February 27, 2012, the Court granted in part, and denied in part, Microsoft's first Motion for Summary Judgment (Dkt. 188).

Subject to Court approval, the parties agree that Microsoft shall answer Motorola's counterclaims by no later than March 9, 2012.

DATED this 5th day of March, 2012.

AGREED AND STIPULATED TO:

DANIELSON HARRIGAN LEYH &
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**Counsel for Motorola Solutions, Inc.,
Motorola Mobility, Inc., and General
Instrument, Corp.**

(PROPOSED) ORDER

It is so ordered:

1. Motorola may amend its Infringement Contentions and serve Microsoft with such Amended Infringement Contentions by no later than **March 9, 2012**.

**STIPULATION AND (PROPOSED) ORDER RE (1)
MOTOROLA'S AMENDED INFRINGEMENT
CONTENTIONS AND (2) MICROSOFT'S
ANSWERS TO COUNTERCLAIMS - 3**

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2. Microsoft shall serve Motorola with its Amended Non-Infringement Contentions by no later than **May 7, 2012**.

3. Microsoft shall answer Motorola's counterclaims by no later than **March 9, 2012**.

DATED this ____ day of March, 2012.

HONORABLE JAMES L. ROBART
US DISTRICT COURT JUDGE

Presented by:

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